

REMARKS

The Office Action dated July 30, 2004 has been received and carefully noted. The above amendments to the claims and the following remarks are submitted as a full and complete response thereto.

Claim 11 is amended to overcome the rejection under 35 U.S.C. §112 second paragraph.

The applicant gratefully acknowledges the indication that claims 21 and 31 recite allowable subject matter and would be allowable if rewritten in independent form. Accordingly, claims 21 and 31 are rewritten in independent form and claims 18 and 30 are cancelled. Accordingly, claims 19, 20, 22, 24, 25, 28, 29, and 32 are amended to change their dependencies to claim 21.

Claim 14 is rewritten in independent form. Claim 14 incorporates the subject matter of claim 1, which is cancelled, and adds the feature that the Office Action indicated was the allowable subject matter of claims 21 and 31, to claim 14. Thus, it is respectfully submitted that claim 14 is now allowable. Accordingly, claims 2-4, 5-8, 10, 12, 13, 16 and 17 are amended to change their dependencies to claim 14. Claim 33 is amended to incorporate the subject matter that the Office Action indicated was allowable in claim 21. Claim 34 is amended to incorporate the subject matter of claim 31, that the Office Action indicated was allowable. Thus, it is respectfully submitted that claims 33 and 34 are allowable. No new matter has been added and no new issues are raised with require further consideration and or search. Claims 2-17, 19-29 and 31-35 are respectfully submitted for consideration.

I. THE CLAIMS DEFINE ALLOWABLE SUBJECT MATTER

A. Claim Rejections under 35 U.S.C. §112

The Office Action rejects claim 11 under 35 U.S.C. §112, second paragraph. Specifically, the Office Action states that there is insufficient antecedent basis for the limitation “Gn interface”. It is respectfully submitted that claim 11 as amended particularly points out and distinctly claims the subject matter which applicants regard as the invention.

Accordingly, withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

B. Claim Rejections under 35 U.S.C. §102

The Office Action rejects claims 1-3, 7,-13, 16-19, 22-28, 30 and 32-35 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,577,856 to Dikmen (Dikmen). This rejection is respectfully traversed. Regarding claims 1, 18 and 30, it is respectfully submitted that rejection of these of these claims is moot in light of the cancellation of these claims. Regarding claims 2-3, 7-13, 16 and 17, it is respectfully submitted that since these claims depend on claim 14, that these claims are allowable at least for the same reasons as claim 14 as discussed below.

Regarding claim 21, as discussed above, the previous Office Action stated that claim 21 recited allowable subject matter. Accordingly, claim 21 was rewritten in independent form and is now allowable. Regarding claims 22-28 and 32, it is respectfully submitted that since these claims depend from claim 21, these claims are allowable, at least for the same reasons as claim 21.

Regarding claim 33, as discussed above, claim 33 is amended to incorporate the subject matter of claim 21 in which the Office Action stated was allowable. Thus, it is respectfully submitted that claim 33 is now allowable. Applicants respectfully submit that since claim 35 depends from claim 33, this claim is allowable at least for the same reasons as claim 33.

Regarding claim 34, as stated above, claim 34 is amended to incorporate the subject matter of claim 31 in which the Office Action stated was allowable. Thus, it is respectfully submitted that claim 34 is now allowable.

Because of the reasons stated above, it is respectfully requested that the rejection under 35 U.S.C. §102(e) be withdrawn.

C. Claim Rejections under 35 U.S.C. §103

The Office Action rejects claims 4-6, 20 and 29 under 35 U.S.C. 103(a) as being obvious over Dikman in view of U.S. Patent Publication No. U.S. 2003/0037235 to Aziz et al (Aziz). These rejections are respectfully traversed.

Regarding claims 4-6, as discussed above, claims 4-6 are amended to depend from 14, in which the applicants respectfully submit is in condition for allowance for the reasons discussed below. Thus, since these claims depend from claim 14, these claims are allowable at least for the same reasons as claim 14.

Regarding claims 20 and 29, these claims depend from claim 21. As discussed above, claim 21 recites allowable subject matter and is amended into independent form. Thus, claims 20 and 29 are allowable at least for the same reasons as claim 21.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 14 and 15 under 35 U.S.C. §103(a) as being obvious over Dikman in view of U.S. Patent No. 5,710,971 to Armbruster et al. (Armbruster). This rejection is respectfully traversed.

As discussed above, claim 14 is amended into independent form. Claim 14 incorporates the subject matter of claim 1 and recites the subject matter wherein fake packets are transmitted from said first network element to said interception gateway element, in which the Office Action stated was allowable for claim 21. Accordingly, it is respectfully submitted that claim 14 is now allowable.

It is respectfully submitted that since claim 15 depends from claim 14 that claim 15 is allowable at least for the same reasons as claim 14.

Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

II. CONCLUSION


As noted previously, claims 21 and 31 were indicated as containing allowable subject matter. These claims have been rewritten in independent form to include any intervening claims, and claims 18 and 30 are cancelled without prejudice.

It is further submitted that each of the claim 2-17, 19-29 and 31-35 recite subject matter which is neither disclosed nor suggested in the cited prior art. It is therefore respectfully requested that all of claims 2-17, 19-29 and 31-35 be allowed, and this application pass to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosure: Petition for Extension of Time